

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

VICTORIA NICOLE STODDARD,

Plaintiff,

v.

No. 21-cv-0669 MIS/SMV

**JEREMIAH J. HARMS,
STATE FARM MUTUAL AUTOMOBILE INSURANCE CO.,
GURINDER SINGH HUNDAL,
GOLDEN TRUCKING,
WILSHIRE INSURANCE COMPANY,
BRANDY STODDARD,
PROGRESSIVE PALOVERDE INSURANCE COMPANY,
and JOHN AND JANE DOES 1–10,**

Defendants,¹

and

BRANDY STODDARD,²

Cross-Plaintiff/Third-Party Plaintiff,

v.

**JEREMIAH J. HARMS,
STATE FARM MUTUAL AUTOMOBILE INSURANCE CO.,
GURINDER SINGH HUNDAL,
GOLDEN TRUCKING, and
WILSHIRE INSURANCE COMPANY,**

Cross-Defendants,

¹ Plaintiff's original Complaint, filed in state court on December 28, 2020, named only John Does as Defendants. [Doc. 1-1] at 4–11. Plaintiff's First Amended Complaint, filed in state court on March 31, 2021, named among others, Tiwana Insurance Solutions, Inc. as a Defendant. [Doc. 1-1] at 14–25. But Tiwana was not named in the Second Amended Complaint, [Doc. 1-1] at 156–69, which was filed on June 10, 2021, in state court, and is the operative complaint.

² John Stoddard was named alongside Brandy Stoddard as initiating the same claims, but it does not appear that he has been granted leave to intervene. *See* Fed. R. Civ. P. 24; *see also* Rule 1-024 NMRA.

and

**DERRYON JAMES, ALEXANDER UZVENKO,
GLOBAL CARGO LOGISTICS, and
JOHN AND JANE DOES 1–10,**

Third-Party Defendants.

and

JEREMIAH J. HARMS,

Cross-Plaintiff/Cross-Defendant,

v.

**GURINDER SINGH HUNDAL and
GOLDEN TRUCKING,**

Cross-Defendants/Cross-Plaintiffs.

**ORDER ADOPTING MAGISTRATE JUDGE’S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge’s Proposed Findings and Recommended Disposition to Grant Plaintiff’s Unopposed Motion to Approve a Settlement (“PF&RD”), issued on August 19, 2022. The Honorable Stephan M. Vidmar, United States Magistrate Judge, found that the proposed settlement was fairly and honestly negotiated, and that serious questions of law and fact exist which, in the absence of this settlement, place the ultimate outcome of this litigation in doubt. In addition, Judge Vidmar found that the value of an immediate recovery through this settlement outweighs the mere possibility of future relief through what would be protracted and expensive litigation, and in the judgment of all the parties, this settlement is fair and reasonable. Accordingly, Judge Vidmar recommended granting Plaintiff’s Unopposed Motion to Approve Settlement. [Doc. 43]. At the fairness hearing before Judge Vidmar on August

19, 2022, the parties waived objections to Judge Vidmar's findings of fact. *See* 28 U.S.C. § 636(b)(1); D.N.M.LR-Civ. 10.1.

Upon reviewing the record, I concur with Judge Vidmar's findings and recommendations.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the PF&RD [Doc. 43] is **ADOPTED**.

IT IS FURTHER ORDERED that:


- a. the settlement funds belong solely to Ava and Ian, and the Court may request an accounting of these funds and proof that the funds are used only in accordance with the terms of the settlement,
- b. Plaintiff has a fiduciary duty to protect the settlement funds for Ava's and Ian's individual benefit, and should she disburse funds contrary to the settlement, she may be the subject of contempt of court proceedings, and
- c. the settlement funds may not be used by Plaintiff for her own needs, or for food, clothing, or shelter for Ava and Ian, which Plaintiff is obligated to provide for Ava and Ian.

IT IS FURTHER ORDERED that the proposed structured settlement annuities and the trust arrangements for Ava and Ian Stoddard as described in the guardian ad litem's report are approved.

IT IS FURTHER ORDERED that closing documents must be filed no later than **September 21, 2022**.

IT IS FURTHER ORDERED that, upon entry of a final judgment, Ms. Zedalis has completed her duties and is hereby DISCHARGED from any further duties in this matter.

IT IS SO ORDERED.



MARGARET STRICKLAND
UNITED STATES DISTRICT JUDGE